

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JOSI HARRISON, et al.,

Plaintiffs,

v.

CLATSKANIE SCHOOL DISTRICT #6J,
an Oregon Public School District; **JEFF**
BAUGHMAN, an individual,

Defendants.

Case No. 3:13-CV-1837-ST

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Janice Stewart issued Findings and Recommendation in this case on February 26, 2015. Dkt. 53. Judge Stewart recommends dismissing all claims brought by Plaintiff Allysun Harkleroad under U.S. District Court District of Oregon Local Rule 83-12 because Ms. Harkleroad has failed to provide the Court with her current address for approximately eight months, which well exceeds the rule's 60-day limitation. Judge Stewart also recommends denying Defendant Clatskanie School District's motion for summary judgment against Ms. Harkleroad (Dkt. 42) as moot. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1)(C). If a party files objections to a magistrate's findings and recommendations, "the

court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Stewart’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Judge Stewart’s Findings and Recommendation, Dkt. 53. All claims brought by Plaintiff Allysun Harkleroad are **DISMISSED**. Defendant Clatskanie School District’s motion for summary judgment against Ms. Harkleroad (Dkt. 42) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 19th day of March, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge